

  
3-22-12

**RESIDENTIAL BOARD OF ADJUSTMENT  
DECISIONS**

**Wednesday, March 21, 2012  
1:30 PM  
1000 Throckmorton  
City Council Chamber  
2<sup>nd</sup> Floor – City Hall  
Fort Worth, Texas 76102**

**BOARD MEMBERS:**

Michael Wellbaum (Alternate)	_____ P
Ronald R. Shearer	_____ P
Barbara Worthley	_____ P
Jerry Tinkle, Chair	_____ P
Johanna McCully-Bonner (Alternate)	_____ P
Clifford (Carl) Logan, Vice Chair	_____ P
Wade Chappell	_____ P
Shirley Bryant	_____ P
Victoria E. Bargas	_____ P

**I. 12:30 P.M. LUNCH/WORK SESSION Pre-Council Chamber**

**A. Review of Cases on Today's Agenda**

**II. 1:30 P.M. PUBLIC HEARING Council Chamber**

**A. Approval of Minutes of the February 15, 2012 Hearings**

**APPROVED**  
**7-0-2**

**ASSISTANCE AT THE PUBLIC MEETINGS:**

The Fort Worth City Hall and Council Chambers are wheelchair accessible. Access to the building and special parking are available on the south side of the City Hall building to the south of Texas Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers or large print, are requested to call 817-392-7844, FAX 817-392-7985, or call TDD 1-800-RELAY-TX at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

**Executive Session.**

A closed Executive Session may be held with respect to any posted agenda item to enable the Commission to receive advice from legal counsel, pursuant to Texas Government Code, Section 551.071.



**B. Translation Cases:**

1. **BAR-12-029** **MAYTE REYES, by Ernesto Reyes** **CD2**  
3304 N.W. 23<sup>rd</sup> Street
  - a. Request a **SPECIAL EXCEPTION** in an "A-5" One-Family District to permit the continued use of a four (4) foot solid wood fence in the front yard.  
**MOTION TO APPROVE FAILED FOR LACK OF SEVEN (7) AFFIRMATIVE VOTES 1/8**
  - b. Request a **VARIANCE** in an "A-5" One Family District to permit the continued use of an approximately six (6) foot solid wood fence in the front yard instead of the allowed four (4) foot in height, excessive by approximately two (2) feet in height.  
**MOTION TO APPROVE FAILED FOR LACK OF SEVEN (7) AFFIRMATIVE VOTES 1/8**
  - c. Request a **VARIANCE** in an "A-5" One Family District to permit the continued use of a carport, a secondary without a primary use.  
**MOTION TO APPROVE FAILED FOR LACK OF SEVEN (7) AFFIRMATIVE VOTES 1/8**
  - d. Request a **VARIANCE** in an "A-5" One Family District to permit the continued use of a carport encroaching approximately three (3) feet into the required five (5) foot side yard setback, creating an approximate two (2) foot side yard.  
**MOTION TO APPROVE FAILED FOR LACK OF SEVEN (7) AFFIRMATIVE VOTES 1/8**
2. **BAR-12-032** **MARIA GOMEZ, by Alfredo Barajas** **CD8**  
4120 Hampshire Boulevard
  - a. Request a **SPECIAL EXCEPTION** in an "A-5" One-Family District to permit the continued use of a five (5) foot open design fence in the front yard.  
**APPROVED 8/1**
3. **BAR-12-035** **JESUS AND ALMA ROSA ESPARZA** **CD2**  
3317 N. Pecan Street
  - a. Request a **VARIANCE** in an "A-5" One Family District to permit the continued construction of a storage shed approximately twelve (12) feet instead of the maximum allowed nine (9) feet in height, excessive by approximately three (3) feet.  
**APPROVED 9/0**



**4. BAR-12-037**

**MARIA F. MARTINEZ**  
5236 Wayside Avenue

**CD9**

- a. Request a **VARIANCE** in an "A-5" One Family District to permit the continued use of a storage shed approximately ~~twelve (12)~~ ten (10) feet instead of the maximum allowed eight (8) feet in height, excessive by approximately ~~four (4)~~ two (2) feet.

**MOTION TO APPROVE FAILED FOR LACK OF SEVEN (7) AFFIRMATIVE VOTES 4/5**

- b. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of an enclosed garage eliminating the one (1) parking space behind the front building line.

**APPROVED 8/1**

**5. BAR-12-039**

**MARYSELA LERMA, by Felipe Lerma**  
3724 Fitzhugh Avenue

**CD5**

- a. Request a **VARIANCE** in an "A-5" One Family District to permit the continued use of a ~~storage shed~~ barn encroaching approximately one (1) foot into the required five (5) foot rear yard setback, creating an approximate four (4) foot rear yard.

**MOTION TO APPROVE FAILED FOR LACK OF SEVEN (7) AFFIRMATIVE VOTES 4/5**

- b. Request a **VARIANCE** in an "A-5" One Family District to permit the continued use of a ~~storage shed~~ barn encroaching approximately three (3) feet into the required five (5) foot side yard setback, creating an approximate two (2) foot side yard.

**MOTION TO APPROVE FAILED FOR LACK OF SEVEN (7) AFFIRMATIVE VOTES 4/5**

- c. Request a **VARIANCE** in an "A-5" One Family District to permit the continued use of a ~~storage shed~~ barn approximately twelve (12) feet instead of the maximum allowed eight (8) feet in height, excessive by approximately four (4) feet.

**MOTION TO APPROVE FAILED FOR LACK OF SEVEN (7) AFFIRMATIVE VOTES 4/5**

**6. BAR-12-043**

**BENITO VASQUEZ, by Maria G. Izaguirre**  
415 W. Hammond Street

**CD9**

- a. Request a **SPECIAL EXCEPTION** in a "B" Two Family District to permit the continued use of a front yard carport where none is allowed.

**APPROVED 9/0**

- b. Request a **VARIANCE** in a "B" Two Family District to permit the continued use of a front yard carport encroaching approximately five (5) feet into the required five (5) foot side yard setback, creating an approximate zero (0) foot side yard.

**APPROVED 9/0**

**7. BAR-12-044**

**MARIA G. TREJO**  
3503 N. Pecan Street

**CD2**

- a. Request a **VARIANCE** in an "A-5" One Family District to permit the continued use of a carport encroaching approximately five (5) feet into the required five (5) foot side yard setback, creating an approximate zero (0) foot side yard.

**APPROVED 9/0**



8. **BAR-12-045**

**RAQUEL VILLANUEVA**  
515 Clairemont Avenue

**CD8**

- a. Request a **SPECIAL EXCEPTION** in an "A-5" One Family District to permit the construction of a five (5) foot wrought iron and masonry fence in the front yard.

**MOTION TO APPROVE FAILED FOR LACK OF SEVEN (7) AFFIRMATIVE VOTES 6/3**

- b. Request a **VARIANCE** in an "A-5" One Family District to permit the construction of an approximate six (6) foot wrought iron and masonry fence and eight (8) foot masonry arch instead of the maximum allowed five (5) feet in height, excessive by approximately one (1) foot for the wrought iron fence and three (3) feet for the masonry arch.

**MOTION TO APPROVE FAILED FOR LACK OF SEVEN (7) AFFIRMATIVE VOTES 6/3**

- c. Request a **VARIANCE** in an "A-5" One Family District to permit the construction of an approximate six (6) foot wrought iron and masonry fence in the Public Open Space Easement (P.O.S.E) instead of the allowed two (2) feet in height, excessive by approximately four (4) feet.

**MOTION TO APPROVE FAILED FOR LACK OF SEVEN (7) AFFIRMATIVE VOTES 6/3**

**C. Continued Cases:**

1. **BAR-11-269**

**SIM FAMILY FOUNDATION INC, c/o Jorea McNamee Kelly**  
5519 Van Natta Lane

**CD8**

- a. Request a **SPECIAL EXCEPTION** in an "A-5" One-Family District to permit the construction of a front yard carport where none is allowed.

**CONTINUED TO APRIL 18, 2012 9/0**

2. **BAR-12-017**

**JESUS AND ELVA HERNANDEZ**  
2849 & 2851 Avenue A

**CD8**

- a. Request a **SPECIAL EXCEPTION** in an "MU-1" Low Intensity Mixed-Use District to permit the continued use of a five (5) foot wrought iron fence in the front yard.

**APPROVED 9/0**

- b. Request a **VARIANCE** in an "MU-1" Low Intensity Mixed-Use District to permit the continued use of a five foot six inch (5'6") wrought iron fence instead of the maximum allowed five (5) feet, excessive by approximately six inches (6").

**APPROVED 9/0**

- c. Request a **VARIANCE** in an "MU-1" Low Intensity Mixed-Use District to permit the continued use of a carport encroaching approximately five (5) feet into the required five (5) foot side yard setback, creating an approximate zero (0) foot side yard.

**WITHDRAWN 9/0**



**D. New Cases:**

1. **BAR-12-028** **ISAIAS IBARRA, by Martin and Nolbert Ibarra** **CD5**  
5540 S. Hampshire Boulevard
  - a. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of an enclosed garage eliminating the one (1) parking space behind the front building line.  
**APPROVED 9/0**
2. **BAR-12-031** **SCOTT C. KILLPACK** **CD4**  
5805 Havenwood Court
  - a. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of a storage shed approximately eleven feet six inches (11'6") instead of the maximum allowed eight (8) feet in height, excessive by approximately three feet six inches (3'6").  
**APPROVED 9/0**
3. **BAR-12-033** **LAURA ANN WAGGONER, by Johnathan Killebrew** **CD9**  
2563 Boyd Avenue
  - a. Request a **VARIANCE** in a "B" Two-Family District to permit the construction of a storage shed encroaching approximately four (4) feet into the required five (5) foot side yard setback, creating an approximate one (1) foot side yard.  
**APPROVED 9/0**
  - b. Request a **VARIANCE** in a "B" Two-Family District to permit the construction of a storage shed approximately nine (9) feet instead of the maximum allowed eight (8) feet in height, excessive by approximately one (1) foot.  
**DENIED 9/0**
4. **BAR-12-034** **MITCHELL BENSON, by Rosalyn Benson** **CD5**  
4300 Crenshaw Avenue
  - a. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a second garage where only one (1) garage is allowed.  
**APPROVED 9/0**
5. **BAR-12-036** **WITHDRAWN BY STAFF PRIOR TO PUBLIC NOTICE**
6. **BAR-12-038** **MARK C. AND CARON NICKLAS** **CD9**  
3628 Park Ridge Boulevard
  - a. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a carport encroaching approximately five (5) feet into the required five (5) foot side yard setback, creating an approximate zero (0) foot side yard.  
**APPROVED 8/0/1**



7. **BAR-12-040** **BRUCE E. AND DEANA J. STEVENS** **CD7**  
6201 North Ridge Road
- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a second garage where only one (1) garage is allowed.
- APPROVED 9/0**
8. **BAR-12-041** **DWAIN D. AND MARY J. SCOTT** **CD3**  
4029 Clayton Road E.
- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a storage shed approximately ~~four hundred eighty (480)~~ two hundred eighty (280) square feet instead of the maximum allowed two hundred (200) square feet, excessive by approximately ~~two hundred eighty (280)~~ eighty (80) square feet.
- APPROVED 9/0**
- b. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a storage shed approximately twelve (12) feet instead of the maximum allowed eight (8) feet in height, excessive by approximately four (4) feet.
- APPROVED 9/0**
9. **BAR-12-042** **DENISE D. AND TERRY SIMS** **CD7**  
1633 Weeping Willow Drive
- a. Request a **VARIANCE** in an "A-43" One-Family District to permit the construction of a second garage where only one (1) garage is allowed.
- APPROVED 9/0**
10. **BAR-12-046** **SPENCER SEALE, by Kristy Seale** **CD2**  
5643 W. Caylor Road
- a. Request a **VARIANCE** in an "A-21" One-Family District to permit the construction of a second garage where only one (1) garage is allowed.
- APPROVED 9/0**
11. **BAR-12-047** **LILIA GONZALES ALVAREZ** **CD9**  
1408 W. Hammond Street
- a. Request a **SPECIAL EXCEPTION** in an "A-5" One-Family District to permit the construction of a front yard carport where none is allowed.
- APPROVED 9/0**
- b. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a front yard carport encroaching approximately five (5) feet into the required five (5) foot side yard setback, creating an approximate zero (0) foot side yard.
- APPROVED 9/0**



- 12. BAR-12-048**                      **TKS PROPERTIES LLC**                      **CD3**  
3904 Carolyn Road
- a. Request a **SPECIAL EXCEPTION** in an "A-5" One-Family District to permit the continued use of a front yard carport where none is allowed.
- APPROVED 9/0**
- b. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of an enclosed garage eliminating the one (1) parking space behind the front building line.
- APPROVED 9/0**
- 13. BAR-12-049**                      **JASPER L. Sr. AND BARBARA MOSS, by Powell Construction**                      **CD5**  
7604 Willowood Court
- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a second garage where only one (1) garage is allowed.
- APPROVED 9/0**
- 14. BAR-12-050**                      **JO CHESZETTE PHILLIPS, by Amir Krummell**                      **CD6**  
4112 Misty Meadow Drive
- a. Request a **VARIANCE** in an "A-10" One-Family District to permit the continued construction of a storage shed encroaching approximately two feet seven inches (2'7") into the required five (5) foot rear yard setback, creating an approximate two foot five inch (2'5") rear yard.
- CONTINUED TO APRIL 18, 2012 9/0**
- b. Request a **VARIANCE** in an "A-10" One-Family District to permit the continued construction of a storage shed approximately nine feet six inches (9'6") instead of the maximum allowed eight (8) feet in height, excessive by approximately one foot six inches (1'6").
- CONTINUED TO APRIL 18, 2012 9/0**
- 15. BAR-12-051**                      **JACOB R. AND J.L. DAMRON**                      **CD2**  
4569 Sheldon Trail
- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a storm shelter eliminating one (1) of the two (2) required parking spaces, behind the front building line.
- APPROVED 8/0**
- 16. BAR-12-052**                      **NEWLEY AND KAREN SPIKES**                      **CD3**  
3608 Overton Park Drive W.
- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a storage shed approximately fourteen (14) feet instead of the maximum allowed nine (9) feet in height, excessive by approximately five (5) feet.
- APPROVED 8/0**



**17. BAR-12-053**

**MICHAEL AND JENNIFER HART**

**CD3**

2419 Wabash Avenue

- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a second story addition to the main residence that encroaches approximately one foot eight inches (1'8") into the required five (5) foot side yard setback creating an approximate three foot four inch (3'4") side yard.

**APPROVED 8/0**

**18. BAR-12-054**

**TO BE HEARD APRIL 18, 2012**

**CD9**

**19. BAR-12-055**

**NICK AND SARAH KLAUS**

**CD7**

4018 Mattison Avenue

- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a garage encroaching approximately five (5) feet into the required five (5) foot rear yard setback, creating an approximate zero (0) foot rear yard.

**APPROVED 8/0**

- b. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a garage encroaching approximately ~~five (5) feet~~ four feet six inches s(4'6") into the required five (5) foot side yard setback, creating an approximate ~~zero (0) feet~~ six inch (6") side yard.

**APPROVED 8/0**

**III. ADJOURNMENT: 5:00 P.M.**